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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No.

2013-868

13 **JASON EUGENE HILL**
14 **11279 Alexandria Street**
15 **Adelanto, CA 92301**

A C C U S A T I O N

16 **Registered Nurse License No. 638047**

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., R.N. (Complainant) brings this Accusation solely in her
22 official capacity as the Executive Officer of the Board of Registered Nursing.

23 2. On or about June 4, 2004, the Board of Registered Nursing issued Registered Nurse
24 License Number 638047 to Jason Eugene Hill (Respondent). The Registered Nurse License was
25 in full force and effect at all times relevant to the charges brought herein and will expire on June
26 30, 2014, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board of Registered Nursing (Board), under the
3 authority of the following laws. All section references are to the Business and Professions Code
4 (Code) unless otherwise indicated.

5 **STATUTORY PROVISIONS**

6 4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline
7 any licensee, including a licensee holding a temporary or an inactive license, for any reason
8 provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

9 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
10 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
11 licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the
12 Code, the Board may renew an expired license at any time within eight years after the expiration.

13 6. Section 2761 of the Code states:

14 "The board may take disciplinary action against a certified or licensed nurse or deny an
15 application for a certificate or license for any of the following:

16 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

17 "(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing
18 functions.

19 ...

20 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
21 violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice
22 Act] or regulations adopted pursuant to it."

23 7. Section 2762 of the Code states:

24 "In addition to other acts constituting unprofessional conduct within the meaning of this
25 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
26 chapter to do any of the following:

27 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
28 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or

1 administer to another, any controlled substance as defined in Division 10 (commencing with
2 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
3 defined in Section 4022.

4 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
5 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
6 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
7 himself or herself, any other person, or the public or to the extent that such use impairs his or her
8 ability to conduct with safety to the public the practice authorized by his or his license."

9 REGULATIONS

10 8. California Code of Regulations, title 16, section 1442 states:

11 "As used in Section 2761 of the code, 'gross negligence' includes an extreme departure
12 from the standard of care which, under similar circumstances, would have ordinarily been
13 exercised by a competent registered nurse. Such an extreme departure means the repeated failure
14 to provide nursing care as required or failure to provide care or to exercise ordinary precaution in
15 a single situation which the nurse knew, or should have known, could have jeopardized the
16 client's health or life."

17 9. California Code of Regulations, title 16, section 1443 states:

18 "As used in Section 2761 of the code, 'incompetence' means the lack of possession of or
19 the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and
20 exercised by a competent registered nurse as described in Section 1443.5."

21 COST RECOVERY

22 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
23 administrative law judge to direct a licentiate found to have committed a violation or violations of
24 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
25 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
26 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
27 included in a stipulated settlement.
28

1 **CONTROLLED SUBSTANCES**

2 11. Dilaudid is a Schedule II controlled substance pursuant to Health and Safety Code
3 Section 11055(b)(1)(j) and a dangerous drug per Business and Professions Code Section 4022.

4 Dilaudid is a brand name for a generic opioid drug and is used to treat pain. It is a derivative of
5 morphine.

6 12. Tussionex Pennkinetic is a Schedule III controlled substance pursuant to Health and
7 Safety Code Section 11056(e)(4) and a dangerous drug per Business and Professions Code
8 Section 4022. Tussionex Pennkinetic is the brand name for the generic drugs chlorpheniramine
9 9mg and hydrocodone 10mg and is used to treat coughs.

10 13. Phentermine is a Schedule IV controlled substance pursuant to Health and Safety
11 Code Section 11057(f)(4) and a dangerous drug per Business and Professions Code Section 4022.
12 Phentermine is the generic name of the drug and is used for the short-term treatment of obesity.

13 14. Promethazine with Codeine is a Schedule V controlled substance pursuant to Health
14 and Safety Code Section 11058(c)(1) and a dangerous drug per Business and Professions Code
15 Section 4022. Codeine is an opioid (narcotic) pain medication. It is a pain reliever and a cough
16 suppressant. Promethazine is an antihistamine. The combination of codeine and promethazine is
17 used to treat cold or allergy symptoms such as runny nose, sneezing, and cough.

18 15. Methamphetamine, a stimulant, is a Schedule II narcotic/controlled substance as
19 designated by Health and Safety Code section 11055, subdivision (d)(2), and is categorized as a
20 dangerous drug pursuant to Business and Professions Code section 4022.

21 **FACTUAL SUMMARY**

22 16. From in or about May 2010 through July 12, 2011, Respondent was employed as a
23 registered nurse in the Urgent Care Unit at Heritage Victor Valley Medical Group (HVVMG), in
24 Victorville, California. On or about July 13, 2011, Respondent had tendered his resignation, but
25 had agreed to work for three more weeks, until July 26, 2011. On or about July 12, 2011, while
26 Respondent was on duty in the Urgent Care Unit, the unit's manager, A.M., handed him a white
27 pharmacy bag with Dilaudid in it and asked him to take the Dilaudid to the medication room with
28 a witness to count, log and then store and lock the medication. Specifically, the bag contained a

1 restocking order of 20 Hydromorphone HCL 1 mg/mg INJ that A.M. had picked up from "Your
2 Drug Store" Pharmacy at about 11:33 a.m. that morning. According to HVVMG's policy for
3 storing narcotics, nurses are required to, with a witness, count, log and then properly store and
4 lock up the medication in the double keyed, locked narcotics drawer in the unit's medication
5 room. After A.M. handed the bag of Dilaudid to Respondent, she went to lunch. Respondent did
6 not ask a witness to properly store the medication with him, nor did he store the medication
7 himself. Shortly after being handed the medication bag, Respondent walked off the job without
8 giving any prior direct notice to his supervisors. He sent an email to a supervisor stating that he
9 was leaving. By the time A.M. returned from lunch, both Respondent and the bag of Dilaudid
10 were gone.

11 17. When an investigator asked Respondent about what happened to the Dilaudid, he
12 claimed that he was never given the medication. Respondent was reported to local law
13 enforcement and the Board.

14 18. On February 28, 2012, during the investigation by the Division of Investigation,
15 Department of Consumer Affairs, Respondent submitted to a drug screen test. Prior to his
16 participating in the drug test, the investigator asked him to list all the medications he was taking
17 at the time of the test. The only medication that Respondent listed was Diovan, which is used to
18 treat high blood pressure. However, Respondent tested positive for both amphetamine and
19 methamphetamine.

20 19. Respondent's the C.U.R.E.S.¹ report indicated that during the period that he was
21 working as a registered nurse at HVVMG, he had been taking various controlled substances,
22 including Phentermine, Tussionex Pennkinetic, and Codeine/Promethazine.

23
24
25 ¹The Controlled Substance Utilization Review and Evaluation System or C.U.R.E.S. is a
26 database maintained by the California Department of Justice, Bureau of Narcotic Enforcement,
27 which allows pre-registered users, including licensed healthcare prescribers eligible to prescribe
28 controlled substances, pharmacists authorized to dispense controlled substances, law
enforcement, and regulatory boards, to access patient controlled substance history information.
The data is reported to the system by the dispensing pharmacy.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Incompetence and/or Gross Negligence)**

3 20. Respondent has subjected his license to disciplinary action under section 2761,
4 subdivision (a)(1), on the grounds of unprofessional conduct, in conjunction with California Code
5 of Regulations, title 16, section 1442 and 1443, Respondent committed incompetence and/or
6 gross negligence, as follows:

7 a. Respondent failed to account for the 20 syringes of Hydromorphone HCL 1
8 mg/mg INJ (Dilaudid) as described above in paragraphs 16 and 17.

9 b. While on duty as a registered nurse at HVVMG, Respondent walked off the job,
10 abandoning patients, without permission, without having a replacement and without giving direct
11 personal notice to a supervisor, as described above in paragraph 16.

12 c. During the Board's investigation, prior to taking a drug screen test, Respondent
13 falsely represented that the only medication he had taken was Diovan. Yet Respondent tested
14 positive for amphetamine and methamphetamine, as described above in paragraph 18.

15 d. His failed drug screen, as well as his on/off taking of the controlled substances, as
16 described above in paragraphs 18 and 19, could have placed patients at risk.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Illegally Obtain and/or Possess Controlled Substances or Dangerous Drugs)**

19 21. Respondent is subject to disciplinary action under sections 2761, subdivision (a),
20 and 2762, subdivision (a), on the grounds of unprofessional conduct, in that Respondent obtained
21 or possessed in violation of law, or without a valid prescription, controlled substances and
22 dangerous drugs, as follows:

23 a. Respondent failed to account for 20 syringes of Hydromorphone HCL 1 mg/mg
24 INJ (Dilaudid) that he obtained while on duty as a registered nurse at HVVMG, as described in
25 paragraphs 16 and 17, above.

26 b. Respondent tested positive for amphetamine and methamphetamine, as described
27 in paragraph 18, above.

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct)**

3 22. Respondent is subject to disciplinary action under section 2761, subdivision (a)
4 and/or (d), in that Respondent committed acts of unprofessional conduct and/or violated the
5 Nursing Practice Act, as described above in paragraphs 16 through 21.

6 **PRAYER**

7 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
8 and that following the hearing, the Board of Registered Nursing issue a decision:

9 1. Revoking or suspending Registered Nurse License Number 638047, issued to Jason
10 Eugene Hill;

11 2. Ordering Jason Eugene Hill to pay the Board of Registered Nursing the reasonable
12 costs of the investigation and enforcement of this case, pursuant to Business and Professions
13 Code section 125.3; and

14 3. Taking such other and further action as deemed necessary and proper.
15

16 DATED: April 8, 2013

Louise R. Bailey
17 LOUISE R. BAILEY, M.ED., R.N.
18 Executive Officer
19 Board of Registered Nursing
20 State of California
21 Complainant

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